IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 30553 of 2005(K)

PETITIONERS

1. DONIA SEBASTIAN,
KANNATH HOUSE, EDAYATTOOR,
MELADOOR.P.O, THRISSUR DISTRICT.

2. RUMA RAMAN.P,
POOVATHUMKADAVIL, P.O.PANANGAD,
THRISSUR DISTRICT.

BY ADV. SRI.O.D.SIVADAS

RESPONDENTS

1. THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (J) DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
THRISSUR.

3. THE DISTRICT OFFICER,
THE KERALA PUBLIC SERVICE COMMISSION,
THRISSUR.

4. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY ITS SECRETARY,
PATTOM, THIRUVANANTHAPURAM.

BY ADV. SRI.P.C.SASIDHARAN, SC, KPSC
GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/06/2007, ALONG WITH WPC NO. 34988 OF 2005, WPC NO.1269 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the relevant portion of the rank list dated 5.11.2002 for the post of LPSA/UPSA in Thrissur District.

Ext.P2: True copy of the G.O.(P)178/02 dated 28.6.2002 issued by the 2nd respondent.

Ext.P3: True copy of the G.O.(P)No.403/2002/G.Edn. Dated 4.12.2002 issued by the Government.

Ext.P4: True copy of the judgment dated 29.10.2004 in W.P.(C) No.32196/2003 passed by this Hon'ble court.

Ext.P5: True copy of the order No.A4-21157/03(2) dated 27/8/03 issued by the 2nd respondent.

Ext.P6: True copy of the request dated 24.10.05 submitted by the 2nd petitioner to the 2nd respondent.

Ext.P7: True copy of the reply dated 17/5/2006 issued by the 2nd respondent to the 2nd petitioner.

Ext.P8: True copy of the proceedings No.B5-17772/06 dated 20/11/2006 issued by the 2nd respondent.

// True copy //

P.A. To Judge

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T.R. Ramachandran Nair, J.

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W.P.(C).Nos.30553/05 , 34988/05 & 1269/06

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Dated this the 28th day of March, 2007

O R D E R

These writ petitions concern appointment to the post of LPSA/UPSA from the rank list published by the Public Service Commission in Thrissur District under the General Education Department. Pursuant to the interim order passed by this court before the expiry of the rank list, 70 vacancies have been reported to the Public Service Commission. The crux of the matter is whether the respondents have filled up the vacancies meant for candidates included in the rank list published by the Commission by appointing protected teachers from aided schools and by resorting to temporary appointments.

2. When the cases came up for hearing today, Ext.P8 has been produced along with I.A. No.4872/2005 in Writ Petition No.30553/2005, in support of the case of the petitioners that many of the posts are occupied by protected teachers. Ext.P8 is a reply given by the Deputy Director of Education dated 20.11.2006 to the State Public Information Officer, wherein the following facts relating to deployment of protected teachers have been stated:

Year	LPSA/UPSA	Recalled to parent school
2002-03	100	
2003-04	18	
2004-05	9	
2005-06	11	**83**
	138	**83**

The above letter shows that in the years 2002-03, 2003-04, 2004-05 and 2005-06 protected teachers numbering 100, 18, 9 and 11 respectively have been deployed in various Government schools and in the year 2005-06, 83 of them have been recalled. Therefore, there will be a minimum of 55 posts which are now occupied by protected teachers from aided schools.

3. In Writ Petition No.1269/2006 this court had passed an interim order recording the submission of the Govt. Pleader that an additional counter affidavit will be filed in response to the additional affidavit filed by the petitioner in the writ petition. A reading of paragraph 5 of the additional affidavit shows that there are 34 and odd vacancies in various Government schools in Thrissur District. But so far no affidavit has been filed in the matter by the Deputy Director of Education, Thrissur who is competent to furnish details regarding this aspect.

In view of the above, the Deputy Director of Education, Thrissur is hereby directed to file an additional counter affidavit regarding the above aspects within one week.

Post on 4.4.2007.

Hand over to both sides.

(T.R. Ramachandran Nair, Judge.)

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